



Agenda Item 2016-0018

5000 Diamondhead Circle • Diamondhead, MS 39525-3260

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

TO: Mayor, City Council and City Manager

FROM: Ronald R. Jones, CBO *Ronald*

DATE: January 29, 2016

SUBJECT: Recommendation from Planning & Zoning Commission
Louis W. Ertel 96491 Diamondhead Drive West
Case File Number 201500401

Mr. Louis W. Ertel filed an application requesting a side yard variance from the Zoning Ordinance (Article 4.6.5 E ii) to allow the construction of a garage within 5' of the east property line.

The property address is 96491 Diamondhead Drive West. The tax parcel number is 067F-2-26-055.000. The property is located south of and adjacent to Diamondhead Drive West and west of Laa La Way. The Case File Number is 201500401.

The Planning and Zoning Commission unanimously recommended approval of variance request as petitioned.

Attachments

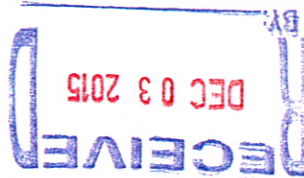
Application
Draft minutes
Staff report

City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525



Office 228-222-4626
Fax 228-222-4390
www.Diamondhead.ms.
JCV

APPLICATION FOR VARIANCE REQUEST



CASE NO. 201500401

DATE 12/1/2015

APPLICANT: LOUIS W. ERTEL

APPLICANT'S ADDRESS: 96491 DIAMONDHEAD DR W

APPLICANT'S TELEPHONE: (HOME) 630-750-8135 (WORK) N/A

PROPERTY OWNER: LOUIS W. ERTEL

MAILING ADDRESS: 96491 DIAMONDHEAD DR. W

TELEPHONE NUMBER: (HOME) 630-750-8135 (WORK) N/A

TAX ROLL PARCEL NUMBER: 067F-2-26-055.000

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY:

96491 Diamondhead Drive West; Lot 2 The Highlands

STATE PURPOSE OF VARIANCE: (FRONT/SIDE/REAR/LOT SIZE/PARKING/BUILDING

COVERAGE) (SIGNAGE - SIZE - HEIGHT) To build a garage within 5' of the east property line

ZONING DISTRICT R-2

e-mail address: LOUERTEL@AOL.COM

Submission deadline: 12/10/15

REQUIRED ITEMS:

- A. A statement describing the variance request and the reasons why it complies with the criteria for variances provided in Section 2.6.5, specifically...

THE CONDITIONS FOR GRANTING A VARIANCE:

1. DO THE SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH AFFECT ONLY THE LAND OR STRUCTURE IN QUESTION AND NO OTHER SURROUNDING OR SIMILAR PROPERTIES?
2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?
3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?
4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?

- Address individually*
- City* — B. The property address and the name and mailing address of the owner of each lot within 300 feet of the subject property and a map with parcels keyed to the ownership and address data.
- C. Site plans, preliminary building elevation, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to the variance application:
- i. Existing and proposed location and arrangement of uses on the site, and on abutting sites within 100 feet.
 - ii. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
 - iii. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.
 - iv. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvement related to or necessitated by the proposed use.
 - v. The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and determination as to whether the circumstances prescribed for the granting of a variance exist.
 - vi. A fee established by the City Council shall accompany the application. A single application may include request for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.

- D. Payment of fee for Variance Request: ~~\$500.00~~ ^{100.00} as per Ordinance 2012-020

STATEMENT OF UNDERSTANDING

As the applicant or owner/s for the requested Variance in the City of Diamondhead, I (we) understand the following:

The application fee of ~~\$500.00~~ ^{100.00} must be paid prior to the acceptance of the application. Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.

As the applicant or owner/s, I (we), or the designated representative, must be present at the public hearing.

That all information provided with this application is true and correct to the best of my knowledge.

That this application represents only property owned by me (us) and that any other adjoining property owners must apply for a Variance on his own behalf.

That all required attachments have been provided to the City of Diamondhead.

That additional information may be required by the Planning Commission prior to final disposition.

The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on 1-26-15 at 530 p.m. in the Council Chambers of the Diamondhead City Hall.

If a continuance of the hearing is necessary at my (our) request, the request must be made to the Zoning Official a minimum of seven (7) days prior to the hearing. If such request is not made in writing, I understand that a new application must be filed and an application fee paid to the City.

If the application is denied by the City Council, a new application for the subject property may not be submitted for one (1) year from the date of denial.



Signature of Applicant



Signature of Property Owner

For Official Use Only

- ^{100.00}
☐ ~~\$500.00~~
☐ Copy of Deed, Lease or Contract
☐ Site Plan
☐ Parking Spaces
☐ List of Property Owners

- ☐ Application Signed
☐ Written Project Description
☐ Drainage Plan NA()
☐ Notarized Statement NA()

RESPONSE TO A1 - A4

A1 - THIS REQUEST ONLY EXISTS FOR THIS PROPERTY AND DOES NOT EFFECT OTHER PROPERTIES.

A2 - YES, OTHER PROPERTIES IN THE SAME ZONING HAVE BEEN GIVEN SIMILAR VARIANCES.

A3 - THE OWNER/APPLICANT HAS NOT CAUSED THE SPECIAL CONDITIONS OR CIRCUMSTANCES.

A4 - THE REQUESTED VARIANCE DOES NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES NOT SHARED BY OWNERS OF SIMILAR PROPERTIES.



MINUTES

PLANNING AND ZONING COMMISSION
Diamondhead, Mississippi
Diamondhead City Hall Council Chambers
January 26, 2016
5:30 p.m. CST

1. Chairman Malley called the meeting to order at 5:31 p.m. CST.
2. Commissioner Hensley recited the Statement of Purpose.
3. Pledge of Allegiance was led by Commissioner Smith.
4. Clerk Jeannie Klein called roll- Present: Commissioners, Bice, Smith, Garrison, Hensley, Malley, and Bower. Absent: Commissioner Miller.

Also present:, City Attorney Derek Cusick, Ron Jones Building Official and Minutes Clerk Jeannie Klein and Tammy Garber.

Others present: Louis Ertel, Teresa Ertel, Peter M. Higgins and Jeff Jassby

5. Confirmation of the Agenda

Commissioner Bice moved, seconded by Commissioner Hensley, to approve the agenda with amendment of date from 2015 to 2016.

A roll call vote was taken as follows:

Ayes: Bice, Garrison, Smith, Hensley, Bower and Malley. Nays: None. Absent: Miller.

MOTION CARRIED

- 6. Approve Minutes.** - Commissioner Garrison moved, seconded by Commissioner Smith, to approve the Minutes of November 18, 2015 as presented.

A roll call vote was taken as follows:

Ayes: Bice, Garrison, Smith, Hensley, Bower and Malley. Nays: None. Absent: Miller.

MOTION CARRIED

7. New Business –

Case File Number 2015-00401

Mr. Louis W. Ertel has filed an application requesting a side yard variance from the Zoning Ordinance (Article 4.6.5 E ii) to allow the construction of a garage within 5' of the east property line . The property address is

96491 Diamondhead Drive West. The tax parcel number is 067f-2-26-055.000. The property is located south of and adjacent to Diamondhead Drive West and west of Laa La Way. The Case File Number is 201500401.

Mr. Louis W. Ertel, applicant and Jeff Jasby, general contractor answered questions proposed by the Commission relating to the proposed to the side yard variance for the construction of a garage within 5' of the east property line. Peter Higgins, the neighbor of Mr. Louis W. Ertel had no objections.

Commissioner Bice moved, seconded by Commissioner Hensley to approve the variance as requested in the matter of Case File Number 2015-00401.

A roll call vote was taken as follows:

Ayes: Bice, Garrison, Smith, Hensley, Bower and Malley. Nays: None. Absent: Miller.

MOTION CARRIED

Chairman Malley called for public comments on the matter with none presented.

8. Unfinished Business Open Public Comments to Non-Agenda items – None

9. Commissioners' Comments – None

10. Communication / Announcements –

Mr. Jones reminded the commissioners about the Accessory Structures and Pervious Pavement for future consideration. Also, there will be four cases for the upcoming meeting. Three of those being variances of side and front yard setbacks and the fourth one being rezoning application request from John Ellis of 10 acres, JCE Properties from R2 to multifamily and commercial.

11. Adjourn - Commissioner Hensley moved, seconded by Commissioner Smith, to adjourn at approximately 5:54 p.m. CST.

A roll call vote was taken as follows:

Ayes: Bice, Garrison, Smith, Hensley, Bower and Malley. Nays: None. Absent: Miller.

MOTION CARRIED

David Malley, Chairman
Planning & Zoning
City of Diamondhead, MS



City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222.4626

FAX: (228) 222-4390

www.diamondhead.ms.gov

STAFF REPORT TO CITY COUNCIL

Louis W. Ertel

DATE: January 29, 2016

CASE FILE NUMBER: 201500401

APPLICANT: Louis W. Ertel

PROPERTY OWNER: Ertel

TAX PARCEL NUMBER: 067F-2-26-055.000

PHYSICAL STREET ADDRESS: 96491 Diamondhead Drive West; The property is located south of and adjacent to Diamondhead Drive West and west of Laa La Way.

LEGAL DESCRIPTION: LOT 2 THE HIGHLANDS

ZONING DISTRICT: R-2 Medium Density Single Family

TYPE OF APPLICATION: Variance

NATURE OF REQUEST: Mr. Louis W. Ertel has filed an application requesting a side yard variance from the Zoning Ordinance (Article 4.6.5 E ii) to allow the construction of a garage within 5' of the east property line

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: Tuesday, January 26, 2016

RECOMMENDATION TO CITY COUNCIL: To approve the variance as petitioned

Article 2.6.7
Legislative
Disposition

- A. The action by the Planning Commission related to variance applications shall be a recommendation to the Mayor and City Council. The Mayor and City Council shall examine all such applications, reports, and recommendations transmitted to it and shall take further action as it deems necessary and desirable to approve, disapprove, modify, or remand to the Planning Commission for further considerations. No land or structure for which the application for variance has been denied shall be considered again for the same

variance request for at least one (1) year from the date such application was denied.

- B. The owner, agent, or lessee of property that requested a variance and subsequently was granted said variance by the Mayor and City Council must secure a building permit or certificate of zoning compliance within one (1) year of the variance being granted, or said variance will expire.

ATTACHMENTS: Application

Draft Minutes